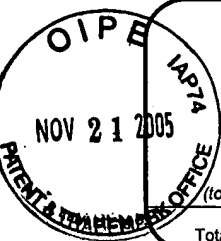


IPW



# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/825,961

Filing Date

April 16, 2004

First Named Inventor

MILLER, DAVID R.

Art Unit

3738

Examiner Name

Unassigned

Attorney Docket Number

022175-000200US

## ENCLOSURES (Check all that apply)

☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☒

Supplemental Information Disclosure Statement

☐

Certified Copy of Priority Document(s)

☐

Reply to Missing Parts/ Incomplete Application

☐

Reply to Missing Parts under 37 CFR 1.52 or 1.53

☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐

Petition to Convert to a Provisional Application

☐

Power of Attorney, Revocation Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) \_\_\_\_\_

☐

Landscape Table on CD

☐

After Allowance Communication to TC

☐

Appeal Communication to Board of Appeals and Interferences

☐

Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)

☐

Proprietary Information

☐

Status Letter

☒

Other Enclosure(s) (please identify below):

Return Postcard

PTO/SB/08A & PTO/SB/08B

18 Reference Copies

Remarks

The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

\*Total number of pages does not include cited references

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Townsend and Townsend and Crew LLP

Signature

Printed name

James M. Heslin

Date

November 17, 2005

Reg. No.

29,541

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Jennifer O'Brien

Date

November 17, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On 11-17-05

PATENT  
Attorney Docket No.: 022175-000200US

TOWNSEND and TOWNSEND and CREW LLP

By: 

Jennifer O'Brien



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

DAVID R. MILLER et al.

Application No.: 10/825,961

Filed: April 16, 2004

For: SPINAL DIAGNOSTIC METHODS  
AND APPARATUS

Examiner: Unassigned

Art Unit: 3738

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER 37  
CFR §1.97 and §1.98

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references [in compliance with the requirements of 1287 OG 163] are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

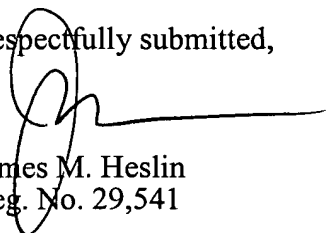
As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



James M. Heslin  
Reg. No. 29,541

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 650-326-2400  
Fax: 650-326-2422  
JMH:tfw  
60635643 v1



PTO/SB/08A (08-03)

<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/825,961	
			Filing Date	April 16, 2004	
			First Named Inventor	MILLER, DAVID R.	
			Art Unit	3738	
			Examiner Name	Unassigned	
Sheet	1	of	3	Attorney Docket Number	022175-000200US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number Kind Code <sup>2</sup> (if known)			
	1	5,980,504	11-09-1999	Sharkey et al.	
	2	6,033,438	03-07-2000	Bianchi et al.	
	3	6,086,589	07-11-2000	Kuslich et al.	
	4	6,224,630	05-01-2001	Bao et al.	
	5	6,443,988	09-03-2002	Felt et al.	
	6	6,558,390	05-06-2003	Cragg	
	7	6,685,695	02-03-2004	Ferree	
	8	6,736,835	05-18-2004	Pellegrino et al.	
	9	2004/0186471	09-23-2004	Trieu	

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
								<input type="checkbox"/>
								<input type="checkbox"/>
								<input type="checkbox"/>

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.  
60635643 v1

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	10/825,961	
			Filing Date	April 16, 2004	
			First Named Inventor	MILLER, DAVID R.	
			Art Unit	3738	
			Examiner Name	Unassigned	
Sheet	2	of	3	Attorney Docket Number	022175-000200US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	10.	FINCH et al., "Analgesic Discography and Magnetic Resonance Imaging (MRI)" <i>Pain</i> , (1990) Supp 5: S285 [Abstract Only]	
	11	FRASER, "Chymopapain for the Treatment of Intervertebral Disc Herniation. The Final Report of a Double Blind Study," <i>Spine</i> , (Nov-Dec 1987), 9(8):815-818. [Abstract Only]	
	12	GEBHARD et al., "Percutaneous Discectomy for the Treatment of Bacterial Discitis," <i>Spine</i> , (1994) 19(7):855-857	
	13	HADJIPAVLOU et al., "Percutaneous Transpedicular Discectomy and Drainage in Pyogenic Spondylodiscitis," <i>Eur Spine J</i> (2004), 13:707-713	
	14	HADJIPAVLOU et al., "Percutaneous Transpedicular Discectomy and Drainage in Pyogenic Spondylodiscitis," <i>Am J of Orthopedics</i> , (March 1998), pp. 188-197	
	15	JEANNERET et al., "Treatment of Osteomyelitis of the Spine Using Percutaneous Suction/Irrigation and Percutaneous External Spinal Fixation," <i>J of Spinal Disorders</i> , 7(3):185-205.	
	16	KOTILANEN et al, "Intradiscal Glycerol or Bupivacaine in the Treatment of Low Back Pain", <i>Acta Neurochir</i> (Wien), (1997) 139 (6):541-545. [Abstract Only]	
	17	MAROON et al., "Percutaneous Automated Discetomy: A New Method for Lumbar Disc Removal," <i>J Neurosurg</i> (1987), 66:143-146	
	18	MINAMIDE et al., "Effects of Basic Fibroblast Growth Factor on Spontaneous Resorption of Herniated Intervertebral Discs. An Experimental Study in the Rabbit," <i>Spine</i> , (May 15, 1999), 24 (10):940-945. [Abstract Only]	
	19	NISHIMURA et al., "Percutaneous Reinsertion of the Nucleus Pulposus. An Experimental Study," <i>Spine</i> , (July 15, 1998), 23(14):1531-1538, discussion 1539.	
	20	OKUMA et al., "Reinsertion of Stimulated Nucleus Pulposus Cells Retards Intervertebral Disc Degeneration: An In Vitro and In Vivo Experimental Study," <i>J Orthop Res</i> , 2000 November; 18(6):988-997 [Abstract Only]	
	21	OSLER, "Cervical Analgesic Discography. A Test for Diagnosis of the Painful Disc Syndrome," <i>S Afr Med J.</i> , (March 21, 1987), 71(6):363 [Abstract Only]	
	22	OSTI et al., "Discitis After Discography. The Role of Prophylactic Antibiotics", <i>J Bone Joint Surg Br.</i> (March 1990), 72(2):271-274. [Abstract Only]	
	23	ROTH, "Cervical Analgesic Discography. A New Test for the definitive Diagnosis of the Painful Disk Syndrome," <i>JAMA</i> , ( April 19, 1976), 235(16):1713-1714. [Abstract Only]	
	24	TAKAHASHI et al., "Experimental Study on Chemonucleolysis. With Special Reference to Change of Intracanal Pressure," <i>Spine</i> , (July-Aug, 1986), 11(6):617-620. [Abstract Only]	

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Substitute for form 1449B/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	10/825,961		
		Filing Date	April 16, 2004		
		First Named Inventor	MILLER, DAVID R.		
		Art Unit	3738		
		Examiner Name	Unassigned		
Sheet	3	of	3	Attorney Docket Number	022175-000200US

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	25	WATTERS et al., "Percutaneous Diskectomy for Disk Space Infections," <i>J of Southern Orthopaedic Association</i> , (Winter 1994), 3(4): 283-289.	
	26	WILKINSON et al., "Intradiscal Corticosteroid in the Treatment of Lumbar and Cervical Disc Problems," <i>Spine</i> , (Jul-Aug, 1980), 5(4):385-389. [Abstract Only]	
	27	WITTENBERG et al., "Five-Year Results From Chemonucleolysis with Chymopapain or Collagenases: A Prospective Randomized Study," <i>Spine</i> , (September 1, 2001), 26(17):1835-1841 [Abstract Only]	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.